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# IN THE U.S. PATENT AND TRADEMARK OFFICE

In re Application of:

Docket No. 16313-0130

Kakefuda, et al.

Serial No. 09/893,033

RECEIVED

AUG 11 2003

OFFICE OF PETITIONS

Filed: June 27, 2001

For: Cyanobacterial Nucleic Acid Fragments Encoding Proteins Useful for Controlling Traits Via Nuclear or Plastome Transformation

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS  
FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Sir:

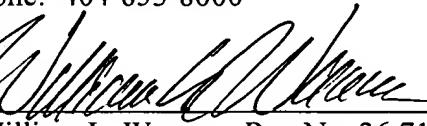
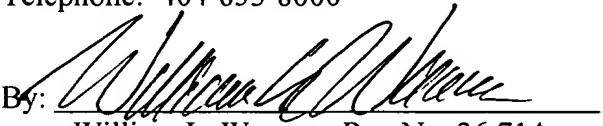
Transmitted herewith are papers in the above-identified application.

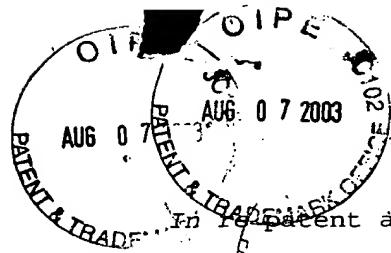
- Part 2- Return Copy – Notice to Comply with Requirements for Sequence Disclosures.
- Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§ 1.821-1.825.
- Sequence Identification Listing – an initial paper and new computer readable form.
- Copy of the diskette.
- Preliminary Amendment requesting entry of Sequence Identification Listing.
- Petition Under 37 C.F.R. §1.137(b) for Revival of an Application Unintentionally Abandoned for Failure to Prosecute, along with a check for \$1,300.00.
- The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16, or credit any overpayment, to Account No. 19-5029. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 4, 2003.

  
William L. Warren – Reg. No. 36,714

SUTHERLAND ASBILL & BRENNAN LLP  
999 Peachtree Street, NE  
Atlanta, Georgia 30309-3996  
Telephone: 404-853-8000

  
By:   
William L. Warren - Reg No. 36,714



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No: BASF 100,100 PRV

In the patent application of

KAKEFUDA, GENICHI et al.

Serial No. 09/893,033

Filed: June 27, 2001

RECEIVED

AUG 11 2003

OFFICE OF PETITIONS

For: CYANOBACTERIAL NUCLEIC ACID FRAGMENTS ENCODING PROTEINS USEFUL FOR  
CONTROLLING PLANT TRAITS VIA NUCLEAR OR PLASTOME TRANSFORMATION

STATEMENT TO SUPPORT FILING AND SUBMISSION IN  
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Box SEQUENCE

Sir:

In connection with a Sequence Listing submitted concurrently herewith, the undersigned hereby states that:

1. the submission, filed herewith in accordance with 37 C.F.R. § 1.821(g), does not include new matter;

2. the content of the attached paper copy and the attached computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same; and

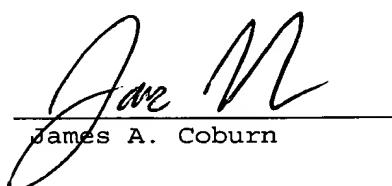
3. all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

Respectfully submitted,

July 31, 2001  
Date

**HARBOR CONSULTING**  
Intellectual Property Services  
1500A Lafayette Road  
Suite 262  
Portsmouth, N.H.  
800-318-3021

  
\_\_\_\_\_  
James A. Coburn

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AUG 07 2003



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/893,033	06/27/2001	Genichi Kakefuda	BASF 100,100-01

CONFIRMATION NO. 3401

RESEND COVER LETTER



\*OC000000010625061\*

Date Mailed: 08/01/2003

## COVER LETTER FOR RESENDING CORRESPONDENCE

A courtesy copy of the Notice mailed on 05/22/2002 is enclosed. The time period for reply continues to run from the mail date of that Notice.

RECEIVED

AUG 11 2003

OFFICE OF PETITIONS

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



**UNITED STATES PATENT AND TRADEMARK OFFICE**

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/893,033	06/27/2001	Genichi Kakefuda	BASF 100,100-01

**CONFIRMATION NO. 3401**

23566  
OSTRAGER CHONG & FLAHERTY LLP  
825 THIRD AVE  
30TH FLOOR  
NEW YORK, NY 10022-7519

**FORMALITIES LETTER**



\*OC00000008170845\*

Date Mailed: 05/22/2002

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

*A copy of this notice **MUST** be returned with the reply.*

08/01/03 13:35

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